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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J.M. Nuss et al.

Attorney Docket No.: 1647.002

Application No.: 09/738,066

Group Art Unit: 1624

Filed: December 15, 2000

Examiner: T.N. Truong

Title: BICYCLIC INHIBITORS OF GLYCOGEN SYNTHASE KINASE 3



RESPONSE

Seattle, Washington 98101

August 13, 2003

TO THE COMMISSIONER FOR PATENTS:

In an Examiner's action mailed May 13, 2003, the Examiner has indicated that applicants' prior amendment has been considered and has overcome all rejections then pending in the application. However, the Examiner newly entered an obviousness-type double patenting rejection of Claims 1, 6-35, and 40-74 (all claims pending in the application) over Claims 1, 6-35, and 40-74 of applicants' pending continuation Application No. 10/228,621 (U.S. 2003/0008866). This is the sole remaining rejection of claims in this application.

With respect to obviousness-type double patenting rejections between copending applications, MPEP § 804.I.B., provides as follows:

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Pursuant to the MPEP guidelines set forth above, it is hereby requested that the Examiner withdraw the sole rejection of Claims 1, 6-35, and 40-74 in this application under the judicially

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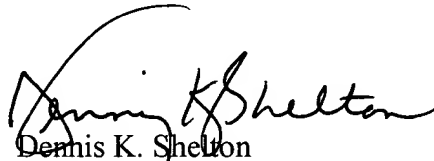
created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 6-35, and 40-74 of applicants' copending U.S. Application No. 10/228,621.

Conclusion

There being no other issues outstanding in the prosecution of this application, the issuance of a Notice of Allowance of applicants' pending claims is respectfully requested. The Examiner is further requested to contact applicants' representative at the telephone number set forth below to resolve any issues that may remain outstanding in this applications.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 08/13/2003



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